

# **EXHIBIT 2**

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

THE MENDHAM METHODIST  
CHURCH; and THE ZION  
LUTHERAN CHURCH LONG  
VALLEY,

Plaintiffs,

v.

MORRIS COUNTY, NEW JERSEY,  
et al.,

Defendants;

ATTORNEY GENERAL of NEW  
JERSEY,

Intervenor-Defendant.

Case No. 2:23-cv-02347

**DECLARATION OF INGRID WENGERT**  
**IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY**  
**INJUNCTION**

I, Ingrid Wengert, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am Pastor at the Zion Lutheran Church Long Valley. I have served in this role since November 2018. I submit this declaration in support of Plaintiffs Mendham Methodist Church's and Zion Lutheran Church Long Valley's Motion for a Preliminary Injunction. This declaration is based on my personal knowledge.

2. I have served in ministry at Zion Lutheran Church Long Valley for over five years. As Pastor, I am responsible for, among other things, leading worship,

overseeing staffing, supporting lay leadership, engaging in outreach to the community, and participating in the Congregation Council.

# **I. Zion Lutheran's Church Building and Its Historical Significance**

3. The Zion Lutheran Church Long Valley is a Christian church and a congregation of the Evangelical Lutheran Church in America located in Long Valley, a census-designated place in Washington Township, Morris County, New Jersey.

4. Zion Lutheran was founded in 1760 as the Old Union Stone Church and served as the original meeting place for Lutherans in the area. Henry Melchior Muhlenberg, chief founder of the Lutheran Church in the United States, was the congregation's Pastor in the 1760s.

5. Zion Lutheran's current church building was constructed in 1832, just up the road from the original Union Stone site. Zion Lutheran's church building retains many of its original architectural features, reflecting the historic Gothic Revival style.

6. In 1861, Zion Lutheran invested in various improvements to the building, erecting a bell tower, narthex, and steeple.

7. The building is located in and recognized as a key structure in the German Valley Historic District. The District is listed on both the New Jersey and National Registers of Historic Places.

8. Our church is centrally located in the Historic District, with many pedestrians and drivers passing by our historic church building every day and viewing the church's exterior.

## **II. Zion Lutheran's Current Activities**

9. Zion Lutheran holds regular religious worship services in its historic church building. These events include a Sunday morning service preceded by Sunday School closing, as well as a coffee hour for the congregation.

10. The congregation has approximately 100 regular worshipers.

11. At a typical worship service, the congregation will listen to preaching, and participate in song, prayer, and the taking of weekly Communion.

12. Zion Lutheran also hosts, and has hosted, many community events in our historic church building and halls, including concerts, Girl Scout and Cub Scout meetings, local community meetings (including the local Garden Club), funerals, and weddings, and Alcoholics Anonymous meetings. Zion Lutheran also hosts its nursery school, the Long Valley Christian Nursery School, in its historic building.

## **III. Zion Lutheran's Prior Grant and Need for Repairs**

13. I am aware that Morris County has for many years maintained a Historic Preservation Trust Fund to fund the preservation of a variety of historic places in our County, for the benefit of our County and to promote the County's historic character to others.

14. In 2017, Zion Lutheran received a \$27,760 grant from the Morris County Historic Preservation Trust Fund to complete a preservation plan for its historic church building. An accurate summary of that grant was attached to the Amended Complaint as Exhibit A, on the court's docket as ECF No. 11-1.

15. That funding went toward the implementation of a historic preservation plan, including a full assessment of our church's structure to identify the areas in need and the urgency of those needs for implementing these limited initial funds.

16. Despite that funding for preliminary work, Zion Lutheran's historic church building currently needs additional extensive repairs to address issues identified in that plan as well as new issues.

17. The stucco plaster of our building's interior walls (about 30 feet high) and ceiling has begun to crack, requiring repair in addition to paint work to restore the appearance both externally and internally to address unsightly cracks and chipping.

18. Windows in the church building, including the historic stained glass windows in the sanctuary, need to be assessed and potentially repaired or even replaced.

19. Flooding from the nearby Raritan River has affected an area under the church narthex and sanctuary. Zion Lutheran needs to assess and potentially remediate these effects.



20. The entrance to the church's cellar also needs stone and cement work to render it safe and useable. This entrance provides the only access to an area under the narthex that once housed a coal furnace.

21. A true and correct photograph of the damage to the stucco plaster in the interior walls and ceiling as of May 20, 2024, is attached as Exhibit A.

22. A true and correct photograph of the cellar entrance as of May 20, 2024, is attached as Exhibit B.

23. Zion Lutheran requires grant funds to afford these essential repairs in light of its current financial circumstances, which have suffered as a result of the COVID-19 pandemic.

24. It is apparent to me that these repairs are necessary to maintain the building's structural integrity and historic character.

25. The urgency, extent, and cost of the necessary repairs will increase with time and risk permanent disrepair and deterioration.

#### **IV. Zion Lutheran's Grant Application**

26. On or around February 3, 2023, Zion Lutheran submitted a Declaration of Intent to the Morris County Historic Preservation Trust Fund Review Board, indicating its need for historic preservation funding. A true and correct copy of that document was attached to the Amended Complaint as Exhibit H, on the court's docket as ECF No. 11-8.

27. The Declaration of Intent described the repairs for which the funds were sought, including the space under the church narthex, to remediate the issues discussed above. ECF No. 11-8, at 2.

28. The Declaration of Intent confirmed that Zion Lutheran was a qualifying historic property and a non-profit organization with a purpose of historic preservation.

29. The Declaration of Intent also clearly indicated Zion Lutheran's religious character. In addition to listing its name as "Zion Lutheran Church," its Declaration of Intent stated that Zion Lutheran was a "religious org."

30. In an email dated February 21, 2023, the Morris County Office of Planning and Preservation told Zion Lutheran it was ineligible to receive a grant on the sole ground that its building is currently used for religious purposes. A true and correct copy of that letter was attached to the Amended Complaint as Exhibit I, on the court's docket at ECF No. 11-9.

31. Specifically, the letter stated the following: "The County Consultant has reviewed the Declaration of Intent (attached) as well as the follow-up description for the proposed crawl space project. Typically a crawl space is considered part of the building and not the site, similar to a basement or attic space. As you know, our rules state that 'Any property that is currently used for religious purposes or functions is ineligible for Historic Preservation grant funding.' (HP rules, Section 5.6.4.) The

County determines that this crawl space is considered part of the religious building and thus not eligible for funding consideration.” ECF 11-9, at 2.



I declare under penalty of perjury that the foregoing is true and correct.

Executed: 5/21/2024

The Rev. Ingrid Wengert  
Ingrid Wengert

## EXHIBIT A



## EXHIBIT B







